Timothy D. McMahon (State Bar No. 117024) Corsiglia McMahon & Allard LLP 96 North Third Street, Suite 620 San Jose, California 95112 3 Telephone: (408) 298-7200 4 Michael Hawash (Admitted Pro Hac Vice) FARRAR & BALL 5 1010 Lamar, Ste. 1600 Houston, Texas 77002 Telephone: (713) 221-8300 Facsimile: (713) 221-8301 7 Attorneys for: Plaintiffs, Reynaldo Salinas, Isabel Salinas, And Jessica Salinas, Individually And as Representative of the Estate of Jose Martin Salinas 10 11 UNITED STATES DISTRICT COURT 12 NORTHERN DISTRICT OF CALIFORNIA 13 REYNALDO SALINAS, ET AL, Case No.: CV 08-01463 (PJH) 14 Plaintiffs, PROPOSED ORDER 15 VS. Date: July 23, 2008 16 AMTECK OF TEXAS, ET. AL., Time: 9:00 a.m. Courtroom: 3 17 Defendants. 18 19 [PROPOSED] ORDER GRANTING PLAINTIFFS' EX PARTE MOTION TO CHANGE TIME OF HEARING ON DEFENDANTS AMTECK 20 OF KENTUCKY, INC. and THE HASKELL COMPANY'S MOTION FOR ASSESSMENT OF FEES AND COSTS AGAINST PLAINTIFFS AND FOR 21 STAY OR DISMISSAL OF PROCEEDING PENDING PAYMENT 22 This matter coming before this court and after due consideration of the moving papers. 23 and all other matters presented to the court, 24 IT IS HEREBY ORDERED THAT: 25

[PROPOSED] ORDER DENYING DEFENDANTS MOTION FOR ASSESSMENT OF FEES AND COSTS AGAINST PLAINTIFFS

1. Plaintiffs' Ex Parte Motion to Change Time of Hearing on Defendants Amteck of Kentucky, Inc. and the Haskell Company's Motion for Assessment of Fees and Costs Against Plaintiffs and for Stay or Dismissal of Proceeding Pending Payment is GRANTED. The hearing will now take place on August _____, 2008 at _____ a.m./p.m. 2. Dated: HON. PHYLLIS J. HAMILTON UNITED STATES DISTRICT JUDGE [PROPOSED] ORDER DENYING DEFENDANTS

Filed 07/03/2008

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing document was sent via ELECTRONIC SERVICE (through ECF website) to the counsel listed below on July 3, 2008:

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I declare under penalty of perjury that the forgoing is true and correct.

/s/ Timothy D. McMahon

TIMOTHY D. MCMAHON

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[PROPOSED] ORDER DENYING DEFENDANTS MOTION FOR ASSESSMENT OF FEES AND **COSTS AGAINST PLAINTIFFS**